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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,663	09/30/2003	Harald Dietachmayr	DIETACHMAYR-1	5023
7590 06/27/2005			EXAMINER	
COLLARD & ROE, P.C. 1077 Northern Boulevard Roslyn, NY 11576			IZAGUIRRE, ISMAEL	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 06/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,663

Applicant(s)

DIETACHMAYR, HARALD

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/8/04 (IDS).
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/8/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

PRELIMINARY AMENDMENT

The examiner is appreciative of the changes made to the dependency of the claims in the preliminary amendment submitted on September 30, 2003.

SPECIFICATION

CLAIMS

Summary

Claim 1 is the independent claim under consideration in this Office Action.

Claims 2-4 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1, lines 9-10, the words "is stitched in sections exclusively within the cutting region" are indefinite. It is unclear as to whether the stitching is performed only within its sewing region or if the sewing is performed within the cutting region and the sewing region.

Referring to claim 4, lines 3-4, the words "in sections of the edge progress of the cutting" are unclear.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Backmann (3,801,820) in view of Bertsch et al. (4,832,408).

Backmann discloses the invention substantially as claimed. Backmann teaches a method of cutting and sewing an upholstery material as it is fed incrementally along sewing and cutting stations. Backmann teaches the method comprising the step of feeding the material 12 along conveyor sections 16 and 19 where the material is sewn in a predetermined pattern for forming upholstery parts 27 (figure 5) by using sewing head 11 (figure 4). Thereafter, the sewn material is moved along the conveyor in a step-by-step manner and the parts are cut using a cutter 13 at the cutting station. However, Backmann does not specifically suggest the components of the upholstery material as comprising a fiber/ plastic composite.

Bertsch et al. teach an upholstery product forming a vehicle seat and further, teach that the composition of the upholstery material includes fiber-reinforced plastic.

Accordingly, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the upholstery material being sewn

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and cut by Backmann as including a fiber-reinforced plastic as taught by Bertsch et al. Providing such a material would allow the upholstery product to have the proper strength and feel for use as an upholstery product usable by the consumer.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Logan illustrates an apparatus for cutting a sign material about the characters printed thereon. Ellington et al. Illustrate a method of forming shirt cuffs by sewing and then cutting the cuffs. Kuchta et al. Illustrate a conveyor system for feeding material in a step-by-step manner and cutting patterns from the material by a track-mounted cutter. Gwynn illustrates a method of forming a garment by placing guide dots thereon and then cutting the material. Brauns et al. Illustrate an apparatus including a feed station, a printing station, a sewing station and then a cutting station.


INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ismael Izaguirre', with a long horizontal flourish extending to the right.

Ismael Izaguirre
Primary Examiner
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